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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VICTORIA MUÑOZ, *et al.*,  
Plaintiffs,  
v.  
SACRAMENTO AREA COUNCIL OF  
GOVERNMENTS, *et al.*,  
Defendants.

Case No. C05-01525 (JSW/EDL)

**[PROPOSED] ORDER GRANTING JOINT  
MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT  
AGREEMENTS, CLASS CERTIFICATION  
FOR PURPOSES OF SETTLEMENT,  
APPROVAL OF PROPOSED NOTICE TO  
CLASS, AND THE SETTING OF A  
SCHEDULE FOR HEARING ON FINAL  
APPROVAL**

Date: April 20, 2007  
Time: 9:00 a.m.  
Place: Courtroom 2, 17th floor  
Judge: Hon. Jeffrey S. White

1 Plaintiffs, on behalf of themselves and all Settlement Class Members, and all Defendants  
 2 remaining in this case, California Highway Patrol and its Commissioner Mike Brown (“CHP”),  
 3 California Department of Transportation and its Director Will Kempton (“Caltrans”), Riverside  
 4 County Transportation Commission (“RCTC”), and San Bernardino County Service Authority for  
 5 Freeway Emergencies (“SB SAFE”), have entered into settlements of Plaintiffs’ claims in this  
 6 class action. The parties have jointly moved for an order (1) granting conditional certification of  
 7 the settlement classes for injunctive and declaratory relief pursuant to F.R.C.P. 23 for settlement  
 8 purposes only; (2) granting preliminary approval of the settlement agreements reached between  
 9 Plaintiffs and each of the four Defendants (the “Settlement Agreements”), attached as Exhibits A  
 10 through D to the Joint Notice of Motion and Motion by All Parties for Preliminary Approval of  
 11 Class Action Settlement Agreements, Class Certification for Purposes of Settlement, Approval of  
 12 Proposed Notice to Class, and the Setting of a Schedule for Hearing on Final Approval (the  
 13 “Preliminary Approval Motion”), as fair, reasonable, and adequate; (3) approving notice to the  
 14 class as provided in the Settlement Agreements; and (4) setting a hearing date and briefing  
 15 schedule for final approval. After due consideration of the Preliminary Approval Motion, its  
 16 supporting Memorandum of Points and Authorities, its supporting declarations, arguments of  
 17 counsel and all other matters presented to the Court,

18 IT IS ORDERED THAT:

- 19 1. The Preliminary Approval Motion is hereby GRANTED.
- 20 2. The classes described in the respective Settlement Agreements (the “Settlement  
     Classes”) are conditionally certified under Rule 23(b)(1)(A) and Rule 23(b)(2) for settlement  
     purposes only.
- 21 3. Plaintiffs Victoria Munoz, Daniel Arellanes, Lyle Hinks, Seymour Bernstein, and  
     the California Association of the Deaf are adequate representatives of the Settlement Classes,  
     have claims typical of members of the Settlement Classes, and designated as class representatives.
- 22 4. The California Center for Law and the Deaf (“CalCLAD”), the Disability Rights  
     Legal Center (“DRLC”), and Morrison & Foerster, LLP adequately represent the Settlement  
     Classes and are designated as class counsel (“Class Counsel”).

1       5.     The proposed settlements are within the range of possible approval, and  
 2 preliminary approval of all four Settlement Agreements is granted.

3       6.     The proposed Publication Notices and Community Notices, attached to each of the  
 4 Settlement Agreements, provide fair and adequate notice of the settlements to the Settlement  
 5 Classes and are approved.

6       7.     Defendant Caltrans shall, at its expense, arrange for publication of the Publication  
 7 Notice attached as the first two pages of Exhibit 1 to the Caltrans Settlement Agreement, which  
 8 Publication Notice is identical to the Publication Notice attached as Exhibit 1 to the CHP  
 9 Settlement Agreement, in the *San Francisco Chronicle* and the *Los Angeles Times*. Publication  
 10 shall begin on or before April 27, 2007 and shall run for a total of two days.

11      8.     Defendant SB SAFE shall, at its expense, arrange for publication of its Publication  
 12 Notice in the *San Bernardino Sun*. Publication shall begin on or before April 27, 2007 and shall  
 13 run for a total of two days.

14      9.     Defendant RCTC shall, at its expense, arrange for publication of its Publication  
 15 Notice in the *Riverside Press-Enterprise*. Publication shall begin on or before April 27, 2007 and  
 16 shall run for a total of two days.

17      10.    On or before April 27, 2007, class counsel shall arrange for the Community  
 18 Notices for all four Settlement Agreements to be published on the websites of the California  
 19 Association of the Deaf (“CAD”), CalCLAD, and DRLC and to be maintained on those websites  
 20 through the date of the Fairness Hearing.

21      11.    On or before April 27, 2007, class counsel shall arrange for hyperlinks to the  
 22 Community Notices for all four Settlement Agreements to be e-mailed to all of the agencies,  
 23 service providers, and organizations (collectively “organizations”) identified in Exhibit E to the  
 24 Preliminary Approval Motion, which exhibit is hereby incorporated by reference, with a request  
 25 that those organizations (1) post those hyperlinks on their websites through the date of the  
 26 Fairness Hearing, (2) distribute those hyperlinks via e-mail to all persons on their electronic  
 27 mailing lists as soon as possible, and (3) print out copies of the Community Notices for all four  
 28 Settlement Agreements for posting in those organizations’ respective places reserved for

1 information and notices directed at deaf and hearing-impaired persons through the date of the  
2 Fairness Hearing.

3       12. On or before April 27, 2007, each of the Defendants shall post Community Notices  
4 for their respective Settlement Agreements on their websites through the date of the Fairness  
5 Hearing.

6       13. The Court has become aware that some of the Defendants have not provided notice  
7 to appropriate state and federal officials of the settlement within the ten-day period required by 28  
8 U.S.C. section 1715. All Defendants shall provide such notice to such officials on or before April  
9 27, 2007.

10       14. A hearing ("the Fairness Hearing") shall be held before this Court on July 6, 2007  
11 at 9:00 a.m. for the Court to hear any objections as to: (i) whether the proposed settlements as set  
12 forth in the Settlement Agreements are fair, reasonable and adequate to the members of the  
13 Settlement Classes and should be approved by the Court, without modification, as binding on the  
14 members of the Settlement Classes; (ii) whether an order should be entered approving the terms  
15 of the Settlement Agreements and dismissing and releasing all claims against Defendants as  
16 provided in the Settlement Agreements; and (iii) whether the request of Class Counsel for  
17 payment of attorneys' fees and reimbursement of expenses as provided in the Settlement  
18 Agreements should be approved. The Court will not issue an order making a final determination  
19 at the Fairness Hearing on those issues. Instead, the Court will wait until July 27, 2007 to issue  
20 an order making a final determination on those issues, in order to comply with 28 U.S.C. section  
21 1715(d).

22       15. Any interested person may appear at the Fairness Hearing to show cause why the  
23 Settlement Agreements should or should not be approved as fair, reasonable, adequate, and in  
24 good faith and/or why the request of Class Counsel for approval of attorneys' fees and expenses  
25 and litigation-related reimbursements should or should not be approved as fair and reasonable;  
26 provided, however, that no person shall be heard or entitled to contest the approval of the terms  
27 and conditions of the Settlement Agreements or the fees, costs, and reimbursements requested by  
28 Class Counsel, unless that person has sent or delivered written objections and copies of any

1 supporting papers and briefs so that they are received no later than 5:00 p.m. on June 15, 2007,  
2 upon class counsel below:

3           California Center for Law and the Deaf  
4           14895 E. 14th Street, Suite 220  
5           San Leandro, CA 94578  
6           (510) 483-0967 (fax)

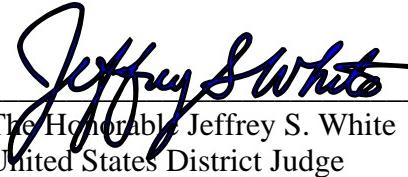
7           16. Any member of the Settlement Classes who does not submit an objection in the  
8 manner provided above shall be deemed to have waived any objection to the Settlement  
9 Agreements and shall forever be foreclosed from making any objection to class certification, to  
10 the fairness, adequacy or reasonableness of the Settlement Agreements, and to any attorneys' fees  
11 and reimbursements approved.

12          17. On or before June 29, 2007, Class Counsel shall file a declaration with the Court  
13 attaching all written objections and copies of any supporting papers and briefs received by  
14 CalCLAD on or before 5:00 p.m. on June 15, 2007.

15          18. Any additional memoranda, affidavits, declarations and other evidence in support  
16 of the request for final approval of the Settlement Agreements shall be filed on or before June 29,  
17 2007.

18           IT IS SO ORDERED.

19          Dated: April 25, 2007

  
The Honorable Jeffrey S. White  
United States District Judge

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